G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1902-03
(7)

File No. 259

Serial Nos. 102

Papers Filed.

215

Month _____

SUBJECT.

Sanctions. The refund bill in favour of one Mustanbhan of Nagadanadalli village, Malur Tp

PREVIOUS REFERENCES.	LATER REFERENCES.

OFFICE OF THE DEWAN OF MYSORE,

(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

‡ **Subject.**

A refund bill for Rs 20-0-9 in favour of one Mastan Khan of Rajadevanhalli village, Malur Talu (Letter no: 1591/268 of 20.10.02 from the Dy Commr, Kolar District.)

* **Note.**

Sreeniwasa Iyengar, Chamboge Krishnapura village, Malur Taluk, is the Khatedar of lands assessed at Rs 136 in the said village. Mastan Khan had a share in the Khata of Sreeniwasa Iyengar along with other Khatas in his enjoyment in the village, so that the total sum of Kandayam due by him was Rs as shown below:—

Rs 75-14-6 in the Khata of Sreeniwasa Iyengar

Rs 9-0-6 Mastan Khan's own Khata

Rs 13-13-0 in the Khata of Rajadarkhan Mastan Khan's father

Rs 3-7-3 in the Khata of Venkataramana Swami in the enjoyment of Mastan Khan.

Rs 2-7-4 Hulbanni.

Rs 104-10-7 Total

‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

* 1. Statement of case in narrative form in regular sequence of subject matter or case.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

Mastan Khan paid Rs 65 into the Taluk Treasury on 15-2-01 towards kandayam for the year 1900-01; and intimation thereof was duly given to the Shanbogue on 25-2-01. The Shanbogue also paid Rs 21-1-2 on 28-4-01 towards arrears against his own khata and issued demand notice in his name for the arrears Rs 114-14-10 without crediting (I presume the 65 Rs paid by Mastan Khan direct into the Treasury. Mastan Khan further paid into the Treasury Rs 34-10-0 on 17-5-01 towards the arrears against other khatas in his enjoyment. ~~Demand not~~ The demand notice was not served on Mastan Khan. A sale notification was also issued on 31-5-01 for Rs 115-10-10 including process and attachment fees. This was served on Mastan Khan and he wrote on it that he had already paid into the Treasury Rs 99-10-0 and that he would immediately pay Rs 25-1-4 stated to be still due. ~~notification~~

5-7-01 in satisfaction of the full arrears on the Khata, and the sale proceedings were accordingly stopped.

The Shanbogue who was summoned to explain his action in connection with the matter under reference has made statement before the Amildar that Mojamkhan Mastan Khan's uncle, and Khan Saheb, the latter's wife, sold the lands in their enjoyment assessed at Rs 70-8-0 towards the end of the year Vikari (1899-00). And that the Pattas of the lands also were transferred to his name. A third portion of the lands is in the enjoyment of Mastankhan, the other portion remaining in his (Sreenivasa Iyengar's) enjoyment. Consequently he was responsible for the Kandayam

(Please see paper dt. 2nd 8th 10/2 in the next file.)

due on the lands in his enjoyment.

Mastan Khan was also summoned and he stated that the lands in question were his ancestral property, and that they are all in his enjoyment, ever since he inherited them. He had therefore full rights to pay the total assessment due thereon. (Sl. nos. 8 & 42 have been filed)

That the allegations of Mastan Khan are true, is further proved by the fact that, while the Khatedar failed to pay the assessment on the lands of his khata in the enjoyment of Mastankhan and did nothing to guard his interest therein, Mastankhan ~~in the land,~~ he had any, has paid not only the amount properly due by him, but also the balance said to be due towards the arrears against Srinivasa Iyengar's khata.

The payment made by

Mastankhan amounts in all to Rs 124-11-4 against Rs 104-10-, actually due by him. He is therefore entitled to get back the amount of Rs 20-0-9 paid by him in excess. In upholding the claim of Mastankhan I by letter forwarded a refund bill for sanction.

In this connection the Shanbogue, the Sheikdar, and the Hobli Gumasta are stated to have been fined Rs 2 each, the Shanbogue for having wilfully omitted to make necessary adjustments in the village accounts on account of the payment made by Mastankhan, and the Sheikdar and Gumasta, for not having included in the Sale Record, the correspondence relating to the payment of Land Tax.

Submitted for orders

The refund should be sanctioned.
Whether the Sham Bhoy has been adequately punished is the point for consideration.
Submitted to the Secretary
H
18/11/02

Sanction with a remark & that effect (inadequacy)

H
21/11

Auth draft
H 21/11/02

Subj with draft. After all the Sambog was
3/12/02 guilty of Carelessness & no
fraudulent intention is apparent.
I think the remark need not appear.
I cannot say I am satisfied
with the loose & diffuse way in
which such orders are drafted.

H
6/12

Issue & put the draft in the file
H
6.12.02

REVENUE DEPT.
Gl. No. R 495
OCT. 2 1902-1903
No.
CEYLON

From J. Clare Esquire
Deputy Commissioner
Kalar District

To H. V. Navaneethakrishna Esqr.
Secretary to the Govt. of Ceylon
Rev. and Genl. Departt.

Dated 20th October 1902

Despatched 21st

Received

General No. 1591

No. 2685

Enclosure No. 1 & 1 bill

Submitting for sanction a refund bill for Rs 20-0-9 on behalf of Ghastan Khan residing in the Nagadipalle Village Kalar Taluk.

Noted
R V
23.10.02
Cheque
2 11 10

Filed with draft

Deputy Commissioner's Office
Kolar District
Dated 20th October 1902

From

L. R. C. Saravanapoojaree
Deputy Commissioner
Kolar District

To

M. V. Narayana Iyah Poojaree
Secretary to the Government
of Mysore
Revenue and General Departts.
Bangalore

Sir,

I have the honor to submit herewith for favor of sanction a refund bill for Rs 20-0-9 on behalf of Mastan Khan, resident of Nagedipalli, Maqara Village to Krishnapur in the Mastii Hobli of the Malur Taluk under the following circumstances.

2. Seenivasiengar Chambhoy of Krishnapur is the Khatedar of lands assessed at Rs 136 in the said Village. Mastan Khan above named also has a share in the

Hobli

Khate of the Shanbhog Sreenivasiengar.
The total Kandayam due from Inastan
Khan was Rs 104-10-7 inclusive
of the portion of Kandayam of the
lands comprised in the Khate of the
Shanbhog as detailed below:—

75-14-6 in the Khate of Sreenivasiengar
9-0-6 Inastan Khan's own Khate
13-13-0 in the Khate of Rajadar Khan
(Inastan Khan's father)
3-7-3 —— Do —— of Venkatramana
Swamy/in the enjoyment of
Inastan Khan.
2-7-4 Huldhanni
104-10-7

3. Inastan Khan paid Rs 65 on
15th February 1901 and Rs 34.10 on
17th May 1901 towards the above
arrears. These were credited into the
Treasury and intimation thereof given
to Shanbhog Sreenivasiengar.

4. The Shanbhog paid Rs 21-1-2
towards the arrears of Rs 136 against
his own Khate but did not
credit

credit the amount paid by Imastan Khan as his share of arrears. The Shanbhog managed to have the lands in the enjoyment of Imastan Khan attached in satisfaction of the balance viz: ~~Rs~~ 114-14-10 shown against his own name.

5. Imastan Khan knowing this made remarks in the said notification to the effects that he had already paid Rs 99-10-0 and that the sale of the land should be cancelled. He subsequently paid Rs 25-1-4 as being the balance said to be due from him.

6. Thus it will be seen that Imastan Khan paid Rs 124-11-4 against Rs 104-10-7 actually due by him. Hence the excess sum viz: Rs 20-0-7 has to be refunded.

7. The Shanbhog has been fined Rs 2/- for his conduct as recommended by the Amildar and the Assistant Commissioner

Commissioner in charge of the Taluk and the Shekdar and the Gumasta each Rs 2/- for not including in the sale record the correspondence relating to the amount paid by Hasan Khan.

8. The Vernacular records ending with the Treasury Officer's Godi No: 1615 dated 24th September 1902 are herein enclosed.

I have the honor to be,

Sir,

Your most obedient Servant

H Dash

for Deputy Commissioner

Kolar District

Encl

Read

Letter no. 1591/268 dt 20.10.02 from the Dy Collr, Kolar District, Submitting, for Sanction, a refund bill in favour of one Mastan Khan of the Nagadenahalli village, Malur Taluk.

Order thereon.

No. RL 962-3 dt 11/12/02

Sd. HVP.

Sreenivasa Iyengar, Shanbog of the Krishnapur village, Malur Taluk, was the registered occupant of lands assessed at Rs 136 in the said village, of which, Mastan Khan had the enjoyment of a portion. ~~had a share in these lands along with other lands owned by him in the village~~. The total amount of land revenue due by the latter was Rs 104-10-7. On 15.2.01 he paid Rs 65 into the Taluk Treasury towards the demand for the year 1900-01, of which due intimation was given to the Shanbog with a view to the necessary

(for there and other lands owned by him)

Entries being made in the village accounts. On 28.4.01 Sreenivasa Iyengar paid Rs 21-1-2 on his own behalf and caused a demand notice to issue in his name for the balance of Rs 114-14-10, without taking into account the amount of Rs 65 paid by Nastankhan. On 17.5.01 Nastankhan paid Rs 34-10-0 towards the arrears on account of the other lands in his enjoyment. The demand notice was not served on Nastankhan. The sale notification, which was subsequently issued, was served on him Nastankhan and he wrote thereon that he had already paid Rs 99-10-0 and would immediately pay Rs 25-1-4 stated to be still

This notice was not served on Nastan Khan, but the sale notification subsequently issued was served.

Nastan Khan who had in the meanwhile on 17.5. paid an additional sum of Rs 34-1 paid a further sum of Rs 25-1-4, thus making in all Rs 124-11-4, instead of Rs. ~~124~~ 104-10- actually due by him.

due. He accordingly paid
Rs 25-1-4 on 5-7-01 in
satisfaction of the arrears
stated to be due by Sreeni-
vasa Iyengar, and the sale
proceedings were stopped.
Mastan Khan paid in all
Rs 124-11-4 against Rs 104-10-
actually due by him. The
Dy Commr, recommends the
excess amount viz, Rs 20-0
to be refunded to Mastan Kh
and states that in this con-
nection the Shanbog, the She-
dar and the Hobli Gumas
have been fined Rs 2 each
for their omissions

The Dy Commr—
who considered the
Sanbog, Sekdar & the
Taluk Gumasta Con-
cerned to be at fault,
has fined each of them &
recommends that the sum
levied in excess be refun-
ded to Mastan Khan.

The refund bill f.
accordingly
Rs 20-0-9 is sanctioned a
forwarded to the Comptrolle
Mysore Govt, for audit. T
punishment inflicted
the Shanbog for the pa

played by him appears
to be inadequate.

6/12

Draft as per
Secy's orders.

Secretary
24/12/02

To the Dy Commr, Kolar,
returning the ver: papers.

To the Comptroller, Mysore
Sent with the bill.